

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

04CR10176RWZ

UNITED STATES OF AMERICA

v.

ITZA RUIZ,
a/k/a ITZA GALVAN SANTOS,
and HERIBERTO RUIZ,

Defendants.

)
) CRIMINAL NO. -----
)
) VIOLATIONS:
) 18 U.S.C. § 1028(a)(7)
) (Identity Theft)
) 18 U.S.C. § 1029(a)(5)
) (Credit Card Fraud)
) 18 U.S.C. § 1344(2)
) (Bank Fraud)
) 20 U.S.C. § 1097(a)
) (Student Aid Fraud)
) 18 U.S.C. § 1014
) (Making a False Statement)
) 18 U.S.C. § 1546(a)
) (False Statements in Document
) Required By Immigration Law)
) 18 U.S.C. § 1001(a)(3)
) (False Statements and Entries)
) 42 U.S.C. § 408(a)(7)(B)
) (Misrepresentation of Social
) Security Account Number)
) 18 U.S.C. § 2
) (Aiding and Abetting)
) 18 U.S.C. § 982(a)(2)(A)
) (Forfeiture Allegation)

INDICTMENT

COUNT ONE: (18 U.S.C. § 1028(a)(7) - Identity Theft)

The Grand Jury charges that:

From on or about November 18, 2002, and continuing
through on or about December 2, 2002, at Boston and elsewhere,
in the District of Massachusetts,

ITZA RUIZ, a/k/a ITZA GALVAN SANTOS

defendant herein, did knowingly transfer and use, without lawful
authority, a means of identification of another person, to wit,
the name, date of birth and social security number of Aixa Gomez-

Ramos, with the intent to commit unlawful activity that constitutes a violation of Federal law, to wit, Making a False Statement on a Loan Application, in violation of 18 U.S.C. § 1014, to obtain something of value aggregating \$1,000 or more during a one-year period.

All in violation of Title 18, United States Code, Section 1028(a)(7).

COUNT TWO: (18 U.S.C. § 1028(a)(7) - Identity Theft)

The Grand Jury charges that:

From on or about November 27, 2002, at Lynn and elsewhere, in the District of Massachusetts,

ITZA RUIZ, a/k/a ITZA GALVAN SANTOS

defendant herein, did knowingly transfer and use, without lawful authority, a means of identification of another person, to wit, the name, date of birth and social security number of Aixa Gomez-Ramos, with the intent to commit unlawful activity that constitutes a violation of Federal law, to wit, Making a False Statement on a Loan Application, in violation of 18 U.S.C. § 1014, to obtain something of value aggregating \$1,000 or more during a one-year period.

All in violation of Title 18, United States Code, Section 1028(a)(7).

COUNT THREE: (18 U.S.C. § 1028(a)(7) - Identity Theft)

The Grand Jury charges that:

From on or about February 13, 2003, at Wakefield and elsewhere, in the District of Massachusetts,

**ITZA RUIZ, a/k/a ITZA GALVAN SANTOS
and
HERIBERTO RUIZ**

defendants herein, did knowingly transfer and use, without lawful authority, a means of identification of another person, to wit, the name, date of birth and social security number of Aixa Gomez-Ramos, with the intent to commit, or aid or abet, unlawful activity that constitutes a violation of Federal law, to wit, Bank Fraud, in violation of 18 U.S.C. § 1344, to obtain something of value aggregating \$1,000 or more during a one-year period.

All in violation of Title 18, United States Code, Sections 1028(a)(7) and 2.

COUNT FOUR: (18 U.S.C. § 1028(a)(7) - Identity Theft)

The Grand Jury charges that:

From on or about February 20, 2003, and continuing through on or about July 27, 2003, at Danvers and elsewhere, in the District of Massachusetts,

**ITZA RUIZ, a/k/a ITZA GALVAN SANTOS
and
HERIBERTO RUIZ**

defendants herein, did knowingly transfer and use, without lawful authority, a means of identification of another person, to wit, the name, date of birth and social security number of Aixa Gomez-Ramos, with the intent to commit, or aid or abet, unlawful activity that constitutes a violation of Federal law, to wit, Credit Card Fraud, in violation of 18 U.S.C. § 1029(a)(5), to obtain something of value aggregating \$1,000 or more during a one-year period.

All in violation of Title 18, United States Code, Sections 1028(a)(7) and 2.

COUNT FIVE: (18 U.S.C. § 1028(a)(7) - Identity Theft)

The Grand Jury charges that:

From on or about May 5, 2003, and continuing through on or about May 5, 2004, at Lynn and elsewhere, in the District of Massachusetts,

ITZA RUIZ, a/k/a ITZA GALVAN SANTOS

defendant herein, did knowingly transfer and use, without lawful authority, a means of identification of another person, to wit, the name, date of birth and social security number of Aixa Gomez-Ramos, with the intent to commit unlawful activity that constitutes a violation of Federal law, to wit, Credit Card Fraud, in violation of 18 U.S.C. § 1029(a)(5), to obtain something of value aggregating \$1,000 or more during a one-year period.

All in violation of Title 18, United States Code, Section 1028(a)(7).

COUNT SIX: (18 U.S.C. § 1029(a)(5) - Credit Card Fraud)

The Grand Jury charges that:

From on or about February 20, 2003, and continuing through on or about July 27, 2003, at Danvers and elsewhere, in the District of Massachusetts,

**ITZA RUIZ, a/k/a ITZA GALVAN SANTOS
and
HERIBERTO RUIZ**

defendants herein, did knowingly and with intent to defraud, effect transactions with one or more access devices, to wit, a credit card issued by Lowe's, issued to another person, to receive payment or any other thing of value during a one-year period the aggregate of which is equal to or greater than \$1,000.

All in violation of Title 18, United States Code, Sections 1029(a)(5) and 2.

COUNT SEVEN: (18 U.S.C. § 1029(a)(5) - Credit Card Fraud)

The Grand Jury charges that:

From on or about May 5, 2003, and continuing through on or about May 5, 2004, at Lynn and elsewhere, in the District of Massachusetts,

ITZA RUIZ, a/k/a ITZA GALVAN SANTOS

defendant herein, did knowingly and with intent to defraud, effect transactions with one or more access devices, to wit, a VISA Gold credit card issued by St. Jean's Credit Union, issued to another person, to receive payment or any other thing of value during a one-year period the aggregate of which is equal to or greater than \$1,000.

All in violation of Title 18, United States Code, Section 1029(a)(5).

COUNT EIGHT: (18 U.S.C. § 1344(2) - Bank Fraud)

The Grand Jury charges that:

On or about February 13, 2003, at Wakefield and elsewhere,
in the District of Massachusetts,

**ITZA RUIZ, a/k/a ITZA GALVAN SANTOS
and
HERIBERTO RUIZ**

defendants herein, did knowingly execute and attempt to execute a scheme and artifice, to obtain moneys owned by and under the custody and control of Independence Community Bank, a federally insured financial institution, by means of false and fraudulent pretenses, representations and promises.

It was part of the scheme and artifice that the defendants submitted a false and fraudulent loan application using the name and personal identifiers of Aixa Gomez-Ramos to induce Independence Community Bank to approve and fund a mortgage loan in the amount of \$318,250.

All in violation of Title 18, United States Code, Sections 1344(2) and 2.

COUNTS NINE THROUGH FIFTEEN: (20 U.S.C. § 1097(a) - Student Aid Fraud)

The Grand Jury charges that:

On or about the dates listed below, at Danvers and elsewhere, in the District of Massachusetts,

ITZA RUIZ, a/k/a ITZA GALVAN SANTOS

defendant herein, with intent to defraud, did knowingly and willfully embezzle, misapply, steal, and obtain by fraud, false statement and forgery, funds provided or insured by the U.S. Department of Education pursuant to Chapter 28 of Title 20, Subchapter IV of the United States Code.

COUNT	DATE	LOAN	AMOUNT
9	3/1/01	Federal Pell Grant	\$1,237
10	10/9/01	Federal Pell Grant	\$1,313
11	10/9/01	Federal Supplemental Educational Opportunity Grant	\$100
12	11/15/01	Federal Supplemental Educational Opportunity Grant	\$50
13	2/14/02	Federal Pell Grant	\$1,312
14	2/14/02	Federal Supplemental Educational Opportunity Grant	\$150
15	10/4/02	Federal Pell Grant	\$807

All in violation of Title 18, United States Code, Section 1097(a).

COUNT SIXTEEN: (18 U.S.C. § 1014 - Making a False Statement in a Loan Application)

The Grand Jury charges that:

From on or about November 18, 2002, and continuing through on or about December 2, 2002, at Boston and elsewhere, in the District of Massachusetts,

ITZA RUIZ, a/k/a ITZA GALVAN SANTOS

defendant herein, did knowingly make a false statement to KeyBank USA, N.A., the accounts of which are insured by the Federal Deposit Insurance Corporation, upon a loan application, for the purpose of influencing the action of KeyBank USA, N.A., on the loan application, to wit, approval and issuance of a "career" loan in the amount of \$6,294.75.

All in violation of Title 18, United States Code, Section 1014.

COUNT SEVENTEEN: (18 U.S.C. § 1014 - Making a False Statement
in a Loan Application)

The Grand Jury charges that:

On or about November 27, 2002, at Lynn and elsewhere, in the
District of Massachusetts,

ITZA RUIZ, a/k/a ITZA GALVAN SANTOS

defendant herein, did knowingly make a false statement to St.
Jean's Credit Union, an insured State-chartered credit union,
upon a loan application, for the purpose of influencing the
action of St. Jean's Credit Union, on the loan application, to
wit, approval and issuance of an unsecured "personal" loan in the
amount of \$10,000.

All in violation of Title 18, United States Code, Section
1014.

COUNT EIGHTEEN: (18 U.S.C. § 1546(a) - False Statements in Document Required by Immigration Law)

The Grand Jury charges that:

On or about September 12, 2002, at Boston and elsewhere, in the District of Massachusetts,

**ITZA RUIZ, a/k/a ITZA GALVAN SANTOS
and
HERIBERTO RUIZ**

defendants herein, did knowingly make a material false statement under oath, or as permitted under penalty of perjury under section 1746 of Title 28, United States Code, in an application, affidavit or other document required by Federal Immigration law or regulations prescribed thereunder, to wit, Form I-130 and Form I-864.

All in violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNT NINETEEN: (18 U.S.C. § 1546(a) - False Statements in
Document Required by Immigration Law)

The Grand Jury charges that:

On or about October 8, 2002, at Boston and elsewhere, in the
District of Massachusetts,

**ITZA RUIZ, a/k/a ITZA GALVAN SANTOS
and
HERIBERTO RUIZ**

defendants herein, did knowingly make a material false statement
under oath, or as permitted under penalty of perjury under
section 1746 of Title 28, United States Code, in an application,
affidavit or other document required by Federal Immigration law
or regulations prescribed thereunder, to wit, Form I-485 and Form
G-325.

All in violation of Title 18, United States Code, Sections
1546(a) and 2.

COUNT TWENTY: (18 U.S.C. § 1001(a)(3) - False Statements or Entries)

The Grand Jury charges that:

On or about June 4, 2001, at Medford, in the District of Massachusetts, in a matter within the jurisdiction of the Immigration and Naturalization Service, an agency of the United States,

ITZA RUIZ, a/k/a ITZA GALVAN SANTOS

defendant herein, did knowingly and willfully make and use a false writing and document knowing the same to contain false, fictitious and fraudulent statements and entries, in that the defendant submitted an Employment Eligibility Verification Form (Form I-9) to her employer, Fellsway Donuts, d/b/a Dunkin Donuts Corporation, which Form I-9 falsely and fraudulently contained the name and personal identifiers of Aixa Gomez-Ramos.

All in violation of Title 18, United States Code, Section 1001(a)(3)).

COUNTS TWENTY-ONE THROUGH TWENTY THREE: (42 U.S.C. §408(a)(7)(B)
- Misrepresentation of
Social Security Account
Number)

The Grand Jury charges that:

On or about the dates listed below, at Danvers and
elsewhere, in the District of Massachusetts,

ITZA RUIZ, a/k/a ITZA GALVAN SANTOS

defendant herein, for the purpose of obtaining a benefit to which
she was not entitled, to wit, federal student grant funds, with
intent to deceive, falsely represented, and/or caused to be
represented, a number to be the social security account number
assigned by the Commissioner of Social Security to her on a Free
Application for Federal Student Aid (FAFSA) Form, when in fact,
the defendant knew that such number was not the social security
account number assigned by the Commissioner of Social Security to
her.

COUNT	DATE
21	9/5/02
22	8/23/01
23	5/14/02

All in violation of Title 42, United States Code, Section
408(a)(7)(B).

FORFEITURE ALLEGATION

(18 U.S.C. § 982 - Criminal Forfeiture)

The Grand Jury further charges that:

1. As a result of the offense in violation of 18 U.S.C. §1344(2) (bank fraud) that is alleged in Count Eight, which affected a financial institution,

**ITZA RUIZ, a/k/a ITZA GALVAN SANTOS
and
HERIBERTO RUIZ**

defendants herein, shall forfeit pursuant to Title 18, United States Code, Section 982(a)(2)(A) to the United States for its use and benefit, any property, constituting, or derived from, proceeds the defendants, Itza Ruiz, a/k/a Itza Galvan Santos, and Heriberto Ruiz, obtained directly or indirectly, as a result of such violation, up to a value of not less than \$318,250, including, but not limited to, the following:

The real property and buildings located at 226 Essex Street, Saugus, Massachusetts, recorded in the Essex County Registry of Deeds at Book 2226, Page 166.

2. If any of the forfeitable property, as described in paragraph 1 above, as a result of any act or omission of the defendant --

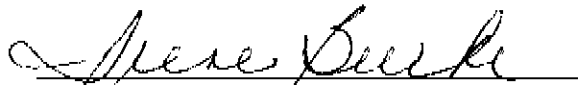
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;

- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of not less than \$318,250.

All in violation of Title 18, United States Code, Section 982 (incorporating Title 21, United States Code, Section 853(p)).

A TRUE BILL



FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

DISTRICT OF MASSACHUSETTS

June 9, 2004

Returned into the District Court by the Grand Jurors and filed.


Deputy Clerk
12:32 P